IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE RAMESH RANGANATHAN

-

WRIT PETITION NO: 12482 of 2005

Between:

M.S.C.Prameela Gandhi, W/o.Sambasiva Rao, F.P. Shop Dealer,
Shop No.118, Urmilanagar, Vijayawada, (Under Cancellation), R/o.42-10-9, Singh
Nagar, Vijayawada, Krishna District.

..... PETITIONER

AND

1 The Revenue Divisional Officer, Vijayawada, Krishna District.
2 The Joint Collector, Krishna, Machilipatnam.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue writ or direction more preferably writ of mandamus declaring the order of the 2nd respondent issued in proceedings Rc.A7/1172/03, dt.7-1-2004 and also orders of the 1st Respondent passed in RC.No.B1/SRA/14/2005 dt.21-5-2005 are illegal, arbitrary, and Violative of Principles of Natural Justice and consequently direct the respondents to restore the authorisation of the petitioner's F.P.Shop No.118 Circle No.1 Vijayawada.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondents: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following:

ORAL ORDER:

This Writ Petition is being disposed of at the stage of admission with the consent of both the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies.

2. The Writ Petition is filed questioning the proceedings of the 2nd respondent-Joint Collector, Krishna, Machilipatnam, dated 21.5.2005, refusing to condone the delay of one year two months and four days in preferring the appeal against the order of cancellation of authorization passed by the 1st respondent-Revenue Divisional Officer, Vijayawada, dated 7.1.2004.

3. Mr.K.Vinaya Kumar, learned counsel for the petitioner contends that the order of the Joint Collector is bereft of reasons and that even for refusing to condone the delay, the Joint Collector is required, in law, to assign reasons therefor.

4. Heard the learned Government Pleader.

5. I am afraid I cannot agree with the contention of the learned counsel for the petitioner. It is for the petitioner to explain as to the circumstances which resulted in his preferring the appeal belatedly against the order of the Revenue Divisional Officer. Having failed to satisfactorily explain the delay, the petitioner's contention that despite the abnormal delay of one year two months four days in preferring the appeal as against the prescribed period of 30 days, detailed reasons are required to be assigned by the 2nd respondent for not condoning the delay, cannot be accepted. The order of the Joint Collector dated 21.5.2005, refusing to condone the delay in preferring the appeal, in my view, is valid and in accordance with law.

6. The Writ Petition fails and is accordingly dismissed. No costs.

16.06.2005

SSR

To

1 The Revenue Divisional Officer, Vijayawada, Krishna District.
2 The Joint Collector, Krishna, Machilipatnam.

3 2 CCs to G.P. for Civil Supplies, High Court of A.P. Hyderabad. (OUT)

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